

State of Rhode Island and Providence Plantations

**Rhode Island Ethics Commission
40 Fountain Street
Providence, RI 02903
(401) 222-3790**

Public Notice of Proposed Rule-Making

Pursuant to the provisions of R.I. Const., art. III, sec. 8 and R.I. Gen. Laws § 36-14-9, and in accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-3, the Rhode Island Ethics Commission hereby gives notice of its intent to consider enacting proposed Regulation 36-14-1001.2 Limitation on Pre-election Complaints.

This proposed regulation would establish a moratorium on the filing of ethics complaints against declared candidates for elective office during a 90-day period leading up to a general or special election. The purpose of the regulation is to prevent the filing of complaints that are politically timed to influence elections. Any valid complaint may be filed and investigated following the moratorium period. This limitation does not apply to the Ethics Commission itself, which may continue to investigate potential violations of the Code of Ethics and initiate its own complaints at any time.

The proposed regulation is available for public inspection on the Secretary of State's website, at the Ethics Commission's website at <http://www.ethics.ri.gov>, in person at the above address, or by calling Jason Gramitt, Education Coordinator/Staff Attorney at (401) 222-3790.

In the development of the proposed amendment, consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified upon available information.

All interested parties are invited to submit written comments concerning the proposed regulations by July 12, 2016 to the Ethics Commission at the above address, or via email to ethics.comment@ethics.ri.gov. A public hearing to consider the proposed amendments shall be held as part of the Ethics Commission's regular open meeting on **Tuesday, July 19, 2016 at 9:00 a.m.** at the above address, at which time and place all persons interested therein will be heard. The room is accessible to the disabled and interpreter services for the hearing impaired will be provided if requested 48 hours prior to the hearing. Requests for this service can be made in writing or by calling (401) 222-3790 or through Rhode Island Relay at 1-800-RI5-5555.

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**SUMMARY OF NON-TECHNICAL DIFFERENCES
BETWEEN THE EXISTING AND PROPOSED RULES**

There is currently no temporal restriction on the filing of an ethics complaint against a candidate for elective office. If passed, Regulation 1001.2 would act to limit the Ethics Commission's ability to accept for filing a complaint filed by anyone other than the Ethics Commission itself during the 90-day period prior to a general or special election. Beginning the day after the relevant election, the Ethics Commission may accept the complaint.

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DRAFT OF PROPOSED RULE

Regulation 1001.2 – Limitation on Pre-election Complaints.

The Ethics Commission shall not accept any complaint against an individual who has filed a valid declaration of candidacy for elective office, during the period of time beginning ninety (90) days prior to the general or special election in which the individual is a candidate, and ending the day after the election. Provided, however, that this restriction shall not apply to investigations or complaints initiated by the Ethics Commission.